

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	CG Docket 02-386
Minimum Customer Account Record)	
Exchange Obligations on All Local and)	
Interexchange Carriers)	
)	
To: the Commission)	

COMMENTS OF TDS TELECOMMUNICATIONS CORP.

The mandatory guidelines governing the exchange of customer account information between local exchange carriers (“LECs”) proposed in this proceeding are a one-size-fits-all “solution” in search of a problem. In addition to being unnecessary, mandatory guidelines may pose significant burdens for small and competitive carriers. Unlike the concerns arising from information exchanges between LECs and interexchange carriers (“IXCs”) that were addressed in the Commission’s recent *IXC Order*,¹ the concerns arising from information exchange between LECs are not widespread, and generally do not implicate small and rural LECs. As a consequence, TDS Communications Corp. (“TDS Telecom”)² and TDS Metrocom (“Metrocom”)³

¹ Report and Order and Further Notice of Proposed Rulemaking, *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, CG Docket No. 02-386, FCC 05-29 (rel. Feb. 25, 2005) (*IXC Order*).

² TDS Telecom is a holding company with over one hundred incumbent local exchange carrier (“ILEC”) subsidiaries providing telecommunications service to over 600,000 residential and business customers in twenty-eight states. TDS Telecom’s successful business model is founded on the company’s commitment to high-quality, locally-based customer service. Providing such a high level of locally-based service to its customers requires TDS Telecom to make efficient use of its limited resources and avoiding unnecessary procedures that will add to the cost of providing services without yielding significant benefit to customers.

(collectively “TDS”) urge the Commission not to adopt rules establishing mandatory guidelines but instead to continue to permit the industry to resolve any issues concerning customer account information exchanges.

TDS Telecom, one of the leading providers of telephone service to rural markets, and Metrocom, its competitive affiliate in four states, both work within industry standards to address information exchange issues in an efficient manner that protects carriers’ flexibility in the evolving telecommunications market. If problems exist — and the record is rather thin that LEC-to-LEC migration problems exist — then existing industry mechanisms can respond to those problems. In addition, because the evidence of problems relating to LEC-to-LEC migration has not been well-established, and because the Commission’s *Further Notice of Proposed Rulemaking* (“FNPRM”)⁴ fails to identify a specific proposed rule, TDS urges the Commission not to adopt rules unless it issues a further notice including proposed rules for industry comment. In any event, if the Commission chooses to adopt mandatory guidelines, it should focus on the information to be exchanged and not mandate the format or methodology that carriers use to meet this objective.

The request for the Commission to avoid painting with one broad brush stems from the fact that TDS has not experienced the problems BellSouth raises.⁵ TDS voluntarily provides information to other local carriers to facilitate migrations. For

³ Metrocom commenced operations in 1997 and operates as a full-service, facilities-based carrier serving residential and business end users in mostly suburban markets. As in TDS’s ILEC markets, Metrocom positions itself as an integrated wireline communications provider offering local, long distance, high-speed Internet access, and other services primarily through its own facilities-based networks. Like TDS Telecom, Metrocom has been rated at or near the top of every service category in a survey conducted by the same respected independent research firm.

⁴ *IXC Order* ¶¶ 72-81.

⁵ *Id.* ¶ 76.

example, Metrocom posts information for local migrations on its website (see <http://www.tdsmetro.com/lnp/index.aspx>) which includes contact and escalation information (names and phone numbers) of specific Metrocom employees to contact should a problem arise. In addition, TDS's ILEC companies are small and rural ILECs that usually serve areas in which they are the only LEC, which results in a relatively small number of migration requests. The Commission should recognize that the industry does provide necessary access to information pursuant to industry standards and should not impose additional operational costs on carriers and their end user customers to solve a problem that does not exist.

DISCUSSION

I. MANDATORY GUIDELINES ARE UNNECESSARY AND UNDULY BURDENSOME

A. Mandatory Guidelines are Unnecessary

TDS Telecom and Metrocom have not experienced the type of information exchange problems cited by BellSouth in the FNPRM,⁶ and are unaware of evidence that other carriers are experiencing significant problems in this area. As a matter of reasoned decision-making, the cursory evidence raised by BellSouth is insufficient for the Commission to impose an across-the-board requirement on all LECs.

Moreover, to the extent that problems exist at all, the Commission should give the industry an opportunity to address them. In fact, the industry has already taken important steps to address these concerns. For instance, the Alliance for Telecommunications Industry Solutions ("ATIS") Ordering and Billing Forum ("OBF") recently developed guidelines intended to facilitate the exchange of customer account

⁶ *IXC Order* ¶ 76.

information between LECs.⁷ Because the ATIS consists of industry representatives, it is in a better position to adopt guidelines tailored to the specific and diverse needs of carriers in the evolving telecommunications market. The Commission should not bring this voluntary, consensus-based process to a halt by imposing a top-down regulatory scheme that limits flexibility and is less responsive to the particular capabilities and needs of market participants.

B. Mandatory Guidelines Would Impose Unnecessary Burdens

Mandatory guidelines would also impose burdens on carriers who must bear the costs of complying with any new requirements. These burdens would be especially costly for small and rural LECs and competitive providers, particularly in light of the Commission's new requirements governing information exchange between LECs and IXCs.⁸ These expenditures would increase significantly if additional mandatory guidelines were enacted on top of an already expensive regulatory scheme.

Furthermore, by eliminating the flexibility afforded by the current system, mandatory guidelines would require TDS and other LECs to invest their limited resources in modifying systems that to date have fully satisfied the needs of affected carriers. Although it is difficult to assess the impact of undefined mandatory guidelines, based on analysis completed in the CARE phase of this proceeding, TDS estimates that it would have to invest hundreds of hours of information personnel time to make the technical changes necessary to comply with mandatory guidelines. Additional personnel training time would likely accrue as well.

⁷ *IXC Order* ¶ 73.

⁸ *Id.* ¶ 12.

II. IF THE COMMISSION ADOPTS MANDATORY GUIDELINES, IT SHOULD TAKE STEPS TO MINIMIZE THEIR BURDEN AND PROTECT CARRIERS' FLEXIBILITY

A. The Guidelines Should Focus Only on the Content of Exchanged Information

If the Commission chooses to establish mandatory guidelines, TDS urges it to repeat the approach it adopted in the *IXC Order* with respect to the scope and content of the new regulations. In the *IXC Order*, the Commission noted that “what is important is that information exchanges take place, not the format or methodology that is associated with those exchanges.”⁹ The Commission wisely concluded that because the primary concern was the exchange of customer account information, the required guidelines should focus only on the *content* of the information to be exchanged, and should avoid dictating the format and delivery of such information.

If the Commission adopts rules here, the Commission should apply this same reasoning to any guidelines. Thus, any guidelines should focus only on the content of the information to be exchanged and should not mandate a particular format or delivery method that would sharply curtail the flexibility of carriers to apply their resources in the most efficient manner possible.

For instance, the Commission should not require “real-time” access to a database to obtain the necessary information. Mandatory “real-time” access to a database would require a complicated electronic data transfer system that may not be otherwise justified. This is particularly true for small carriers where the volume of carrier-to-carrier exchange of information is low. The cost, logistics, and effort involved in requiring real-time access is a good example of why the Commission should protect carriers’ flexibility

⁹ *IXC Order* ¶ 29.

by limiting any rules to content alone and let carriers identify the most sensible means to accomplish that goal. This same logic applies to the issues of timing and other performance standards. The Commission should, at most, limit itself to establishing broad goals that carriers would remain free to satisfy in the most appropriate and efficient manner.

B. The Content of the Information Exchanged Should Be Limited to BNA

TDS also recommends that any information required to be exchanged between LECs be limited to that information necessary to establish a financial relationship with the customer, namely a customer's billing, name and address ("BNA"). Again, the underlying rationale of mandatory guidelines would be to facilitate the exchange of billing information. Mandatory guidelines limited to the exchange of BNA alone would support this goal while simultaneously minimizing the burden on carriers. The Commission's guidelines therefore should not require the exchange of information that is not essential to the more basic goal of facilitating the exchange of billing information, such as directory listing information, calling features, vertical services, and similar "line level" information. This makes good business sense as well, since the "new" LEC presumably will want to establish with its new customer the services and features that she wants.

* * *

Finally, we urge the Commission to examine closely its jurisdictional authority for entering the LEC-to-LEC information exchange field. The FNPRM raises substantial jurisdictional issues that need a hard look before the Commission delves into how local telephone companies exchange information with each other to provide local

service. Having said that, we also ask the Commission to be mindful of the burdens that carriers would face if they were subjected to mandatory federal guidelines at the same time they are subject to potentially fifty different types of regulatory state regimes. Carriers such as TDS Telecom and Metrocom that operate in over two dozen states would face a tremendous challenge in complying with co-existing federal and state requirements.

CONCLUSION

For the reasons stated herein, we urge the Commission not to adopt mandatory guidelines for LEC-to-LEC migration because the benefits are minor and the costs are significant, especially for rural and small LECs.

Respectfully submitted,



Gerard J. Waldron
John Blevins
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
Tel.: 202-662-6000
Fax: 202-662-6291
Counsel to TDS Telecommunications Corp.

July 18, 2005